

UNITED STATES OF AMERICA
DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 2004-10385-MEL

UNITED STATES OF AMERICA

v.

JEROME WEEKES

MOTION FOR NEW TRIAL AND RE-SENTENCING

Now comes the defendant and pursuant to F.R.Crim.P 33(a) and (b)(1) and 28 U.S.C. § 2255, moves this Honorable Court to re-sentence the defendant and consider the defendant's newly discovered evidence and rule that the interest of justice requires the court to vacate the judgment of guilty and grant the defendant a new trial.

Respectfully Submitted,
JEROME WEEKES,

By his attorney:

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United States Court of Appeals For the First Circuit

No. 07-2209

UNITED STATES,

Appellee,

v.

JEROME WEEKES,

Defendant, Appellant.

ORDER OF COURT

Entered: February 20, 2008

The motion to stay appellate proceedings and remand the case to the district court is denied without prejudice to defendant's following the procedure specified in United States v. Graciani, 61 F.3d 70, 77 (1st Cir. 1995). A remand is not a precondition to the filing of a motion for new trial.

By the Court:

Richard Cushing Donovan, Clerk.

MARGARET CARTER

By: _____
Chief Deputy Clerk.

[cc: J.T. Kerner, Esq., Christopher F. Bator, AUSA,
Dina M. Chaitowitz, AUSA]